IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7942 OF 2003

Shankar Vithoba Bharagude & Ors .. Petitioners

Vs

Ganpat Sidhu Bhargude & ors .. Respondents

Mr A.S.Khandeparkar, for the petitioners.

Mr R.S.Apte i/b Mr N.R.Bubna for respondent nos 1 & 5.

CORAM : D.B.BHOSALE,J.

DATE : 30th November, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition arising out of Exhibit-5- application can be conveniently disposed of by the following order.

(i) The learned counsel appearing for the parties, on instructions, state that both, i.e. the petitioners and the respondents take water from the well in dispute. Moreover, the appellate court also in paragraphs 7 and 10 of the order has observed that the plaintiffs alone are not entitled to enjoy water of the disputed well to the exclusion of the defendants. Keeping that in view and considering the overall facts and circumstances of

the case, parties are directed to maintain status-quo till disposal of the civil suit.

(ii) The trial Court will endeavour to dispose of Regular Civil Suit No.16 of 2002 as expeditiously as possible and preferably within a period of nine months from the date of receipt of this order.

(iii) While passing this order, I shall not be understood to have examined the merits of the case. The trial Court shall decide the suit on merits in accordance with law and uninfluenced by the observations made in the orders passed at the interlocutory stage.

3. With these directions, the writ petition stands disposed of.

. Parties to act on an authenticated copy of this order which may be made available to them.

(D.B.BHOSALE, J.)